

# **P L A N N I N G   C O M M I S S I O N**

## **ACTION MINUTES**

**TUESDAY, JANUARY 18, 2005**

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

### **1.        ROLL CALL:**

Present, Commissioners:                Gibson, Parsons, Frautschi, Dickenson,  
Long, Wozniak, Horton

Absent, Commissioners:                None

Present, Staff:                                Community Development Director Ewing  
(CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), City  
Attorney Zafferano (CA), Recording Secretary Flores (RS)

**2.               AGENDA AMENDMENTS:                                None**

**3.               COMMUNITY FORUM (Public Comments):                None**

**4.               CONSENT CALENDAR:**

**4A              Planning Commission Minutes of 12/21/04**

**MOTION: By Commissioner Frautschi, seconded by Commissioner Long, to accept the Minutes of December 21, 2004 as presented.**

**Ayes: Frautschi, Dickenson, Long, Wozniak, Parsons, Gibson**

**Noes: None**

**Abstain: Horton**

**Motion passed 6/0/1**

## **5. PUBLIC HEARINGS:**

### **5A. PUBLIC HEARING - 1405 Solana Drive**

To consider a Mitigated Negative Declaration and Conceptual Development Plan for Charles Armstrong School an existing private school facility. The proposed Conceptual Development Plan includes construction of a new 14,700 square foot activity center and addition of a 900 square foot entry lobby to the existing multi-purpose building. The existing limitation on student enrollment will not change with this project. The number and configuration of the existing on-site parking areas would not change with this project. (Appl. No. PA2003-0099). (Continued from 11/16/04 Planning Commission Hearing).

APN: 045-122-190; Zoned: PD (Planned Development)

CEQA Status: Mitigated Negative Declaration

Mary Lou Orr (Applicant)

Charles Armstrong School (Owner)

C. Wozniak recused herself because she lives within 500 feet of the subject project, and left the room.

Chair Gibson announced that the terms of four Commissioners are expiring at the end of February and that applications are available on the City's website. The deadline for applying is January 28.

Chair Gibson summarized the procedures to be followed for this discussion, noting particularly that public comments will be limited to 2 minutes per speaker, or a maximum of 4 speakers could combine for 8 minutes.

CDD Ewing briefly summarized the staff memorandum, the primary purpose of which was to address the questions posed at the 11/16/04 meeting.

Referring to the items in the Staff Report, questions from the Commission were as follows:

C Horton:

- Item U – According to the sale document, the park size is actually 3.032 acres, not 1.5 acres. Is the cost to maintain calculated on the size of the total acreage or the total cost? CDD Ewing responded that if it is a 3-acre park, then he assumed it would be \$24,000; he will confirm the size based on what Parks and Recreation believes the acreage to be today.
- Item OO – Referring to the gym comparison, Castalleos School is in this matrix and since it actually has grades 9 through 12 inclusive she believed it should be excluded from this comparison.
- Regarding the Peninsula Squares, their website lists the hours of dance as from 7:45 to 10:00 p.m., which she believed is an hour past the CUP regulations. Also, it has been noted as a seniors dance but she can find nothing that would indicate that this is an exclusive senior venue.
- Who actually owns the property between San Carlos and the school where the utility easement is located? The response was that it is on the school's property.
- What does the acronym ADT mean in the traffic discussion? CDD Ewing replied that it means "average daily trips."

Mark Haesloop, 607 Knoll Dr., San Carlos, representing the applicant, came to the microphone to be available to answer questions. C Horton continued:

- Item M – How do participants get from Terra Linda School when they park there because there are too many participants for an activity? Mr. Haesloop responded that he believes they walk on a path that runs from the Terra Linda parking lot.
- Item P - Has an engineer confirmed that a building cannot be built into the hillside? She noted that a previous response to this question was that “it was very difficult and expensive to site the gymnasium in this location.” Mr. Haesloop replied that from an engineering perspective you can build just about anything anywhere; it all comes down to cost benefit analysis and it is way too expensive.
- After discussion about why the Peninsula Squares are dancing until 10:00 at night and why they are being called a senior dancing group, Mr. Haesloop stated that if this is a non-conforming use, the City should send a letter and they will be happy to tell them that they can no longer use the facility, and let them come down and speak to the Commission. C Horton directed issue that to staff.
- Item U – What is the cost of maintaining the parking, roads and restrooms used by the public? She would like CAS to extrapolate the cost for these so that they can see the comparison.
- Item GG – The answer given regarding the Charles Armstrong Teaching Institute (CATI) conflicts directly with information that she had found in her research. The answer indicates that they hold classes at other facilities; there’s no mention of holding anything at the Belmont facility. However, they were teaching a class the following Saturday from 9 to 3 – a full-day workshop for \$150/person – and last summer there were UC Berkeley classes, two 3-week sessions held at the school for \$1300 a session. If in fact there is a college credit adult school being conducted, it is clearly a business being conducted on Solano Drive and she did not believe that this complies with the Use Permit that is in place. She would like staff to confirm this. In addition, this would also indicate that if it does comply, the students are driving to school, which is out of compliance with another one of the conditions. Mr. Haesloop stated that they will come back with a more detailed answer but that the short answer is that continuing teacher education is clearly part of the school’s mission and part of its teacher training, which is part of its educational program.

C Frautschi:

- M – Is the agreement with Terra Linda School a formalized, written agreement and what are the specifics? Mr. Haesloop responded that it is an oral agreement between the head of the school and the principal of Terra Linda. It was entered into with the prior principal.
- P – The applicant stated that the school has spent approximately \$600,000 to mitigate. Where did it go and what it was for? Also, what do you think mitigation is?
- S – Since CAS has been in Belmont, has it always been grades 1 through 8? Rosalee Johansen, 49 Cedar Street, San Carlos, responded that she had taught at CAS before they moved from Ladera to Belmont. She stated that when they moved to Belmont they had elementary through 12<sup>th</sup> grade on campus. They moved the 12<sup>th</sup> grade off campus after a few years because they did not have enough space for the elementary and middle school kids who needed to fit in. It has always had elementary and middle school kids.
- V – Would like the City Attorney to discuss a right as opposed to a privilege when it comes to building on property.
- Y – The applicant's response stated that CAS has not seen any evening activities for which parking is not able to be contained on the site with the existing parking capacity. Are you telling me that you have never seen an event that your 70 spaces could not handle? Rosalie Whitlock responded that they have never seen an event at night where there have not been sufficient parking spaces – even if Terra Linda wasn't there – because they only have a few special events at night; they're always during the day.
- FF – Explain what you mean by the statement that bulk is determined by minimum height requirements. Mary Griffin, architect, stated that the bulk is determined in the case of a gymnasium by having the clearance to play games that are played there—volleyball is 23' and basketball is 26'—so when you are designing a gymnasium you try to have 26' clear across the gymnasium. The storage area, restrooms and any areas that didn't need that height fell under a lower roof that could reduce the bulk of the building. We only put the floor area of the gym that needed the height under the highest portion of the roof. That was what that bulk was referring to.
- CATI – There seems to be a conflict here. In your statement you say that it "offers professional development workshops off site" but then one of the attachments talks about bringing Institute activities into the activity center, which to his understanding haven't previously been on the campus. What exactly do you mean, because in one place you're saying there's no new use, no new intensity, yet this does appear to be more intensive use?

C Long:

- How does CAS intend to try and bolster its relationship with surrounding neighbors? Whether there's a gymnasium built or not, is there a plan to get the relationship back in order between the school and the immediate surrounding neighbors?

Chair Gibson:

- SS - If we want to connect the agreement with the park with the application that's before us, we have to establish a "nexus" and specifically, we have to "identify an impact from the proposed project that changes the current access in an adverse way, and determine that lesser mitigations than reopening the agreement will not adequately address the impact." The school is providing parking and restroom use on weekends to the public voluntarily and they can withdraw this at any time. Is that correct? CDD Ewing responded that he believed so; they are not bound to provide it by the agreement. Chair Gibson then asked if the City can consider that as something that needs to be mitigated in light of the fact that it is provided voluntarily. CDD Ewing replied that he would have to research the answer to that question.
- TT – What is the source of the requirement or suggestion that basketball and volleyball require minimum height allowances, and what are the consequences if you fall below those heights? Mary Griffin responded that she thinks it came from Architectural Graphic Standards, which is a document that specifies recommended square footage. There are gyms that fall below that but then it compromises the game, so that usually if you're doing a new facility, Architectural Graphic Standards is a professional reference of what you would try to accomplish.

To summarize, CDD Ewing stated that staff will do some work on the following questions:

- The CATI, when classes are held on the Belmont campus, operating outside of the permission allowed by the CUP.
- If the voluntary access and services provided by the CAS are reduced by the project, is that a sufficient basis to establish a nexus to changing the access agreement?

VC Parsons:

- What is the ceiling height of the current CAS multipurpose room, inside and the top of the building?
- As a comparison, what is the height of the Barrett School play/gym?

Regarding the current CAS multipurpose room, Mary Griffin responded that she believed the center is 17' high, and referred to a diagram with an overlay that showed that it is about half the size of a basketball court.

C Horton:

- If the parking lot directly behind the multipurpose room is part of the legal easement in the agreement, there is an obligation to maintain that and there shouldn't be any issue of cost
- If the school is operating Monday through Friday and there are classes being held on Saturday and they're parking in the easement for the park, what is the legal upshot of that? CDD Ewing responded that staff will look at the whole question of what activities are happening outside of hours; they've already identified the square dancing and CATI. It's not a matter of them blocking access by having classes on Saturday; it's that they're operating outside the permissions of the use permit.

Mr. Haesloop interjected that every easement has a surrogate tenement and a dominant tenement. The City of Belmont is the dominant tenement and holds the easement – the school is the surrogate tenement and holds the underlying fee interest. The obligation to maintain the easement rests with the owner of the dominant tenement, which would be the City.

Mr. Haesloop spoke on behalf of the applicant, referring to a letter he had written to the Commission before the meeting. His key points were as follows:

- Speakers in favor of the proposal were asked to try to have something new that was not brought up before and to limit themselves to the land use issues.
- He was hired as part of the school's community outreach. He conducted two community sessions; each one was attended by about 6 residents. The results of those two sessions was essentially that the people who spoke in opposition to the project had very valid concerns and clear perceptions of what they believed were problems that exist now, and they felt that the "no

project” alternative was really the only thing that would be acceptable to them.

- He believes that they must come back to an analysis of the proposal on what CEQA requires. What are the impacts of the proposal on the community, on the City, and on the environment? He believed it boils down to four topics: traffic and circulation, the height and massing of this building, view preservation, and the use of McDougal Park.
- When talking about traffic and circulation from a Planning perspective, it needs to be quantified. They need to be able to say how many more trips there will be a day. When talking about perceived problems of parking and circulation it is completely subjective and valueless although a real consideration. They need to take a closer look at the issue of the CATI; if it is not permitted they can have that debate some other time.
- They need to look at the accepted methods of determining traffic impacts. He looked at Trip Generation 4<sup>th</sup> Edition, which gives standard trip generation for different types of uses – i.e., auto body, movie theatre, and different types of schools. The professionals do not state in any of the texts that he looked at that the addition of a gymnasium or any particular facility on the campus increases the number of trips that are generated. The key element for all traffic engineers that he was able to find as to trip generation for any school is the number of staff and the number of students. Buildings do not generate certain trips.
- He believes that Belmont and every City on the Peninsula has traffic woes and those traffic woes were not created by CAS. The approval or denial of this application will not improve or exacerbate that.
- He feels that what the Commission needs to look at is whether this application quantitatively in any reasonable fashion is going to add to or diminish the traffic problem—what is the impact? That’s the duty under CEQA, that’s the duty under the law.
- The issues of height, massing and views affect the San Carlos frontage more than anyone else. Very few residents of Belmont will be able to see the building, let alone have it have a significant impact on them. A view has to be a view of something—an ocean, a bay, a river, trees, a garden. Right now, from the San Carlos frontage, the view that these folks see over their fence is a playground, trees and school buildings off into the distance. The issue really is not a view; the issue is height and massing. The Belmont General Plan mentions views, but it is not a right to a view, it is a question that when they step out of their house into their back yard beyond their fence, they see an open area. He believes that they feel a sense of openness and that’s what the height and massing is. These are the people who actually are going to be impacted by the construction of this building.
- The location of this building on the site has gone through a couple of iterations. The problem is that, no matter where you put, it you’ve just moved the impact from one San Carlos neighbor to another San Carlos neighbor. The bottom line is that the people in the San Carlos frontage who have a 2-story home and a 6’ fence are going to see this building. The question of height and massing is whether or not there’s anything that can be done to this building that can reduce that. We have mitigated the noise



issues: there are no windows or entrances on the back; they are not going to hear noise from inside; there is no lighting on the back of the building at the current time that would impact them; at night they are probably not even going to see the structure. He believed that this is a mitigated and mitigateable impact in that regard.

- The park is really not a land use issue. The park deal was cut by the City Council 20 or 25 years ago and some people think the City didn't do a good job or got a bad deal. He did not believe that this is the proper forum for revisiting that. He had spoken to two of the Park and Rec Commissioners and neither one of them had heard in any P&R meeting any problem with the usage of McDougal Park where people were asking for the basic relationship between the school and P&R to be changed. He believed the school has constantly worked very well with P&R. The school is willing to entertain the issue of paying for part of the fields or paying for part of the maintenance or modifying the hours of operation. No one has ever been able to tell him that anyone has been refused entrance to the park by a school official. We haven't heard what these people want to do at the park. If there are people who want to walk their dogs, he believes if they abide by the City ordinance about cleaning up, the school is not going to have too much of a problem with that. They need to remember that they are entering school property and in this day and age, having unknown and unregistered people wandering around your school property is a liability and not something that is terribly desirable. He believed that that this is a weighing of issues that is best left to the P&R Commission, and then any modification of the actual real estate analysis is solely within the discretion of the City Council.
- In conclusion, he stated that he tried to focus on the four issues that really weigh on the application. Who pays taxes and who doesn't pay taxes is really not the germane issue. We all pay taxes; the parents of CAS pay taxes, you pay your taxes to the County, you don't pay your taxes to the City of Belmont, your sales taxes go to the State. One of the things that he thinks they are seeing is a general level of frustration; people see the world as changing too fast. They long for a time where things didn't change quite so fast and he believed that is part of the perception and the emotion that they are hearing as part of this application. 25 years ago, if you had dyslexia, you didn't go to CAS, you went to trade school. You were not given an opportunity. We need schools like CAS and the way they deliver their educational product must change. If they are to be effective, they need to have better facilities and they need to improve the facilities that they have, and that's true of all schools. We didn't have organized sports leagues for elementary schools; all the schools do today. Things are changing, but the question you have to look at is whether you're a hopeful person and that things are changing for the better or whether or not you're going to take the position that CAS and its application for a gym is a symbol of all the things that are wrong with Belmont. He asked that they keep their eyes on the ball from a planning perspective and stay with the four issues, and added that they do not have an enviable task.

Responding to VC Parsons' question, CDD Ewing stated that Mr. Haesloop's letter had been sent directly to the Planning Commission by email before the meeting. VC Parsons noted that it was not on his email when he left his house.

Chair Gibson opened the Public Hearing, reminding the audience of the ground rules and asking that they fill out a Public Speakers Card of the proper color.

The following people spoke in opposition to the project:

George Glushenor, 1627 El Verano Way, speaking on behalf of Neighborhoods First and Robert Mayer, Perk Perkins, and Jeanine and William Ryan

Chuck Horton, 1050 Chula Vista, speaking for himself and Margaret and Michael Allen

Neil Whiteing, 1500 El Verano Way, speaking for himself and Stephen Cann

Dana Geise, 644 Dartmouth Avenue, San Carlos

Chris Wozniak, 1400 Solano Drive

Kerith Lisi, 674 Dartmouth Avenue, San Carlos

Celsina Bignoli, 632 Dartmouth Avenue, San Carlos

Michael Lisi, 674 Dartmouth Avenue, San Carlos

Susan Brown, 1119 Maywood Drive

Caye Hursey, 637 Dartmouth Avenue, San Carlos

Patti Ansley, 631 Dartmouth Avenue, San Carlos

Robert Scott, 1828 Valdez

The following people spoke in favor of the project:

Marta Florez, speaking on behalf of the Center for Independence of the Disabled

Pamela Clark, 2200 Carlmont Drive, speaking for herself and Meghan Heath

Teresa Nelson, 925 Waltermire

Joe Cirimelli, 1400 Solano

**MOTON: By Vice Chair Parsons, seconded by Commissioner Long, to close the Public Hearing. Motion passed.**

Chair Gibson declared a recess at 8:50 p.m. Meeting resumed at 9:00 p.m.

Mark Haesloop apologized for the tardiness of the letter he sent to the Commission, and wanted to clear up some misconceptions. He stated that the location of the proposed building had been moved twice: it was originally closer to McDougal Park but was moved northwest to preserve the overflow parking for the park, and in consideration of the San Carlos neighbors it was moved 15-20 feet away from the San Carlos frontage. He also wanted to address the broader issue of what they can do to be a better neighbor. He thinks people have the idea that residential neighborhoods only have houses in them, but schools and churches are permitted uses in residential neighborhoods. The functions of schools and churches are part of the fabric of a residential neighborhood and the burdens that schools and churches place on competing interests in residential neighborhoods are also part of the fabric of residential neighborhoods. The school is not out of place in a residential neighborhood—it is placed there by the Zoning Code. He asked what they can do to outreach and make the school more of a cohesive part of the neighborhood. One of the problems is that they have been operating in a quasi adversarial position with some of the neighborhood interests for many years, and part of that is that the current use permit prohibits them from being a true community resource. He cited examples of uses that are not approved such as square dancing, teacher outreach, and a polling place, which are community resources they are told they shouldn't have. The school would like to be more of an integrated partner in the neighborhood – have Brownies, Girl Scouts and Cub Scouts and all those other sorts of things but they have to weigh whether or not that is too much of a burden in

this locale. He thought that by isolating the school to a very limited use they have alienated the school from being part of that fabric in the neighborhood. He feels that is something for a future discussion. He pointed out that Belmont, as far as San Mateo County is concerned, is the education city of San Mateo County – he believed it has more schools per capita than any other city in the County. Education is part of what Belmont is and part of what Belmont has been for well over a hundred years. They would like very much to move this application along with a decision from the Commission. If the meeting is continued, they would like very much to prepare a detailed report on the CATI and believed that when the facts are before the Commission they would not be too concerned that they are operating outside of the CUP.

Responding to a question from C Long, Mr. Haesloop stated that if they were building the school today, with the gymnasium, he would propose for this site would be less lot coverage with a two- or three-story school building that could be stepped down the hill. He added that this application is well within the FAR, when looking at total lot coverage.

CDD Ewing re-stated the questions that staff will research prior to the next meeting on this application:

- What is the size of the park—1.5 or 3 acres?
- Is the utility easement on CAS property or on the neighboring property?
- What does ADT stand for?
- The hours of square dancing, and is it for seniors only?
- What is the cost to CAS to maintain the voluntary access areas to support the park?
- Does the CATI operate in compliance with the CUP?
- What mitigations were implemented for the \$600,000?
- What is the difference between a right and a privilege?
- Is the CATI a more intensive use?
- How will CAS rebuild good will with the neighbors? (This was addressed earlier)
- Is the loss of voluntary access provided by CAS a basis for amending the access agreement?
- What is the interior and exterior height of the existing multipurpose room and the height and square footage of Barrett School's recreation room?
- A comparison of lot size, square feet and number of students at other private K or 1<sup>st</sup> through 8<sup>th</sup> grade schools in the Bay Area.

By consensus, it was agreed that the Commission would not begin deliberations at this meeting.

**Motion: By Vice Chair Parsons, seconded by C Dickenson, to continue this item to February 15, 2005. (Appl. PA2003-0099)**

**Ayes: Parsons, Dickenson, Frautschi, Long, Horton, Gibson,**

**Noes: None**

**Recused: Wozniak**

**Motion passed 6/0/1**

Chair Gibson declared a recess at 9:15 p.m. Meeting resumed at 9:20 p.m. C Wozniak returned to the dais.

**6. NEW BUSINESS:**

**6A. Consideration to Set a Revocation Hearing – CUP – Arco Service Station Reconstruction Project - 470 Ralston Avenue.**

PP de Melo summarized the staff report, adding that permits were pulled that day for irrigation for the landscaping, and they started saw-cutting the area and have done some substantial work in terms of getting the landscaping installed. According to the Public Works Department and discussions with Arco's contractor, they believe that this entire project would be completed within two weeks. Staff recommended continuing to work with the applicant and the Code Enforcement Division to make sure that these issues get finished within the next two weeks. Responding to an earlier

request from C Dickenson, he reviewed past code compliance issues relative to the store: 1) In May 2004 there were banners that were left on the store for more than 30 days; when Arco was contacted, these banners were removed promptly. 2) In April 2004 there were water treatment tanks that were stored within plain view along Masonic; they were contacted and these were removed promptly. 3) In April 2004 equipment was stored within the landscaping area, which was removed.

C Dickenson clarified that the hazardous testwater was not promptly removed.

C Parsons asked that as part of this continued discussion, staff look into the status of the overall landscaping and use permit. PP de Melo responded that he has a site inspection scheduled with the applicant for the following Thursday, at which time they will look at the placement of the bench and the new trees for the Hiller frontage, and can also look at the landscaping within the site.

Chris Lawton, representing Arco BP Global Alliance, addressed the Commission, stating that they are willing to work with staff to get the landscaping resolved. He knows it's been an on-going issue and apologized, and added that he hopes they get it resolved within two weeks.

C Frautschi requested that some members of the Planning Commission be included in the final walk-through. C Frautschi and C Dickenson volunteered to attend the site inspection scheduled for Thursday.

CDD Ewing recommended that, if the landscaping is not well on its way to being completed within two weeks, the Commission authorize staff to set a hearing on this item at the next available date. By consensus, Commissioners agreed with this recommendation.

## **7. REPORTS, STUDIES, UPDATES AND COMMENTS**

**7A. Notre Dame High School - Code Compliance Update – 1540 Ralston Avenue.**

C Frautschi recused himself from this discussion and left the room.

PP de Melo summarized the staff report, which stated that staff considered the Visual Nuisance in Field Appearance issue and the Circulation Pattern at Notre Dame Avenue Gate to be resolved. Regarding the Required Landscape Plantings, he added that staff performed a site inspection that day and confirmed that all trees have been installed as well as all shrubs and plantings consistent with the plans for the site. Staff considers that issue to now be resolved. The applicant is requesting a 120-day extension for the Batting Cages and Backstop Netting Screens issues, as discussed in the Staff Report.

Tom Hannon, Vice President for Finance Administration at the University, stated that they fully intend to remove the batting cage but asked for 120 days to finish the softball season, which ends May 18<sup>th</sup>, and they would consider it a hardship to have to move it now.

John Clardy, Director of Finance at the High School, addressed the Commission regarding the netting, noting that if it is removed now there would be a safety issue because foul balls would go into the street and the neighbor's yard. He stated that they cannot come up with the money in the next 120 days and asked for a grace period. They will take it down if it's a problem but asked for a little leeway. He also noted that when the inspection was done to approve the gym the nets had been there all during the construction and they've been there for years.

Debbie Norton, Robin Whipple Way, thanked Commissioners for their patience, adding that she and her neighbors are now hopeful that the situation will improve along the Notre Dame corridor. She also thanked

Notre Dame and the police for cleaning up that area. She asked the Commission to keep in mind the petition that people signed that has to do with a hedge and she would like to have a specific written plan with time and dateline when that will get started. She also still had concerns about the path—some of it has come up 3 or inches and there's a lot of mud between the path and the street, as well as weeds in the area. She stated that she hoped that Notre Dame sincerely wants to clean up that corridor and is looking at it long term and not just doing damage control.

Bernadette Spillane, 1631 Robin Whipple Way, thanked the Commissioners, Notre Dame and PP de Melo for getting some of the work done; however, she felt that they have a long way to go as far as any maintenance of their property that is visible to the neighbors. She noted that there is still nothing but weeds, dead plants and the eye sore of the fence, the hanging nets, the big poles sticking up out of the ground, the ugly old yellow peeling paint storage bin, and the batting cage. She stated that the nets were not there during construction and there was no softball there during construction; the field was located at the other end of the campus near the tennis courts and the balls were coming out onto Ralston and causing a traffic hazard, and it was relocated to Notre Dame and Ralston Avenues. She hoped that the school really means that they wish to be part of the neighborhood rather than encroach on the neighborhood and that they can move forward.

C Long asked Ms. Spillane if the 120 days that the school is asking for seemed like a reasonable accommodation. Ms. Spillane responded that if those things are gone at the end of 120 days she thought everybody in the neighborhood would stand out there and give a cheer.

John Clardy spoke again, to clear up a statement that was made which he believed was inaccurate. He had photographs from when the construction was going on showing the nets and the poles already on the campus. He said it is not true to say they were put up after the construction.

John Schuster, 914 Notre Dame, wanted to back up what Ms. Spillane said; that the nets were not there during construction; they were just put up when the season started and it is an extreme eyesore.



Chair Gibson said that they are not going to get into a debate about when the netting was put up.

Rita Gleason, Principal of Notre Dame High School, thanked PP de Melo and noted that they plan to initiate a conversation about the Notre Dame Avenue foliage hedge with a representative or two from the neighborhood, as well as a landscape architect. She added that there is nothing in the plans about plantings along Notre Dame Avenue, and that finances are an issue, but they are more than willing to begin a conversation regarding Notre Dame Avenue.

In summary, PP de Melo stated that staff believed that three of the items that were not in compliance as of December 21<sup>st</sup> have been resolved; the issues remaining are the batting cage and the backstop netting. Staff's recommendation was to allow them to continue to work with the high school to address the outstanding item, similar to what they did with Safeway. He confirmed that the suggested plantings along Notre Dame Avenue are not a part of the approved project and all the required landscaping along Notre Dame Avenue has been installed. The applicant has indicated that they are committed to beginning a dialogue with staff, a landscape architect, and the City arborist, to look at potential additional plantings along Notre Dame Avenue to try to address the issue of screening and hedging, but the conditions of approval, the approved landscape plan, the DDP and the building permits do not indicate any additional plantings are required.

For clarification, C Long re-stated that there is no requirement that the school put the hedge up that was in the petition; however, according to Ms. Gleason, there is interest by the school in employing a landscape architect, working with the City and with the neighbors to put that up at some point in hopefully the near-term future as finances and approvals allow. He believed that shows good will on behalf of the CUP holder. CDD Ewing added his concern that this is staff spending time on things that are outside of the City's purview. He stated that he was glad that Notre Dame is willing to work with the neighbors but he was not going to allow PP de Melo to spend a whole lot of time on things that are not subject to the Commission's review or a zoning matter. They need to work on that with the neighbors most of all, and staff is there to help but not to take a lead role in that additional

planting requirement. Staff did not have an objection to the 120-day delay but was looking to the Commission for guidance on that issue.

C Wozniak asked if there is a possibility of doing some kind of quid pro quo i.e., the City gives the school 120 days, the school gives the City some kind of a signed document that they will go ahead with the additional landscape within a certain amount of time. After discussion, CA Zafferano stated that, generally, those are the kinds of things that are dealt with after a litigation has been filed, especially when there are somewhat dissimilar unconnected issues. This would come up most naturally in some sort of settlement agreement and is not something that is normally done in the context of code enforcement.

C Parsons stated that he was in favor of giving them 120 days. He added that he believes that what happened with the issue about the netting is that there was probably netting around the back stop before the gym was built and the netting further down along Notre Dame was put up much later.

To clarify the issue, C Dickenson noted that there are three items: a batting cage, backstops, and backstop netting that was put up after the fact because the neighborhood had talked about balls going out into the street. PP de Melo added that the actual back stop is in its permitted location; the netting with the poles is the concern that staff has. C Horton added that there is netting that goes beyond the poles that is draped over the chain link fence and maybe even on some trees down Notre Dame that looks like somebody's dirty laundry.

CDD Ewing suggested that staff will report back to the Commission on or after May 18<sup>th</sup>, at which time they'll know how things stand with regard to the status of the fields. The Commission concurred with this suggestion by consensus.

## **7B. Safeway Code Compliance Update – 1100 El Camino Real**

PP de Melo reported that the revised landscape plan was received on the 4<sup>th</sup> of January and confirmed that the additional plantings that were required as part of the walk-through in November have been included in the plan. The parking lot trees will be installed in March. He observed that there has been more scraping and painting on the rear profile of the store and they are going to continue to work on that. There was a service person there to look at the potential of a remote open/close feature for the loading gate but that has not yet been resolved. They indicated that it is going to be about 30 to 60 days. All of the other issues continue to be maintained: shopping carts, other landscaping, unpermitted outdoor displays, he had not observed any outstanding issues related to the opening and the closing of the gate, and the clock tower continues to show the time on all four elevations. Staff will continue to agendaize this for the next few meetings until the landscaping gets planted in the parking lot.

C Frautschi returned to the dais.

VC Parsons stated that he was at the Safeway about 9:00 or 9:30 p.m. Friday and noticed that there were 12 to 13 carts along both sides of the store, blocking the sidewalks.

C Frautschi asked when the Council will select the new Planning Commissioners and when is the last meeting of anyone who doesn't reapply. CDD Ewing responded that there may be one or two more meetings before the Council is able to schedule interviews and make selections and asked that Commissioners serving out a term continue until the selections have been made.

## **8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, JANUARY 25, 2005.**

Liaison: Vice Chair Parsons

Alternate Liaison: Commissioner Horton

**9. ADJOURNMENT:**

The meeting adjourned at 10:05 p.m. to a regular meeting on Tuesday, February 1, 2005 at 7:00 p.m. at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review*

*in the Community Development Department*

*Please call (650) 595-7416 to schedule an appointment.*